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Attorneys for Defendant UMG RECORDINGS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROB ZOMBIE, a/k/a Robert Wolfgang
Zombie, f/k/a Robert Cummings; WHITE
ZOMBIE, a general partnership;
WHITESNAKE, a doing business as
designation of David Coverdale, by and for
WHITESNAKE PRODUCTIONS
(OVERSEAS) LIMITED; and DAVE MASON,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

UMG RECORDINGS, INC., a Delaware
corporation,

Defendant.

CASE NO. CV11-02431 SI

**STIPULATION TO SET HEARING DATE
AND BRIEFING SCHEDULE ON
DEFENDANT UMG RECORDINGS, INC.'S
MOTIONS TO DISMISS AND TRANSFER**

Proposed Hearing Date: August 19, 2011

Time: 9:00 a.m.
Courtroom: 10, 19th Floor
Judge: Hon. Susan Illston

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Butler & Mitchell LLP

1 This Stipulation is based on the following facts:

2 1. This action was filed on May 18, 2011.

3 2. Plaintiff Rick James, by and through the James Ambrose Johnson, Jr., 1999 Trust,
4 his successor in interest (the "James Plaintiff") previously filed a separate action against defendant
5 UMG Recordings, Inc. ("UMGR") on April 1, 2011, Case No. CV11-01613 (the "James Action"),
6 which was assigned to this Court. On June 1, 2011, the Court entered a Related Case Order
7 whereby this action was also assigned to this Court.

8 3. On June 10, 2011, UMGR filed in the James Action its (a) Motion to Dismiss Action
9 for Improper Venue or Transfer Action to Central District of California [Docket No. 21] and (b)
10 Motion to Dismiss Fourth Cause of Action for Violation of California Business & Professions Code
11 § 17200 [Docket No. 25]. The hearing on these motions is currently set for July 15, 2011, but the
12 parties have stipulated to continue that hearing date to August 19, 2011.

13 4. It is UMGR's present intention to file, in this action, motions seeking similar relief
14 as is being sought in the venue motion and the motion to dismiss filed in the James Action.

15 5. Counsel for plaintiffs Rob Zombie, White Zombie, Whitesnake and Dave Mason
16 (collectively the "Zombie Plaintiffs"), has requested, for the convenience of counsel, that the
17 hearing date on UMGR's intended Motion to Dismiss Action for Improper Venue or Transfer
18 Action to Central District of California (the "Venue Motion") and Motion to Dismiss Fourth Cause
19 of Action for Violation of California Business & Professions Code § 17200 (the "Motion to
20 Dismiss") in this action be set for August 19, 2011, to correspond with the hearing date on UMGR's
21 pending motions in the James Action. UMGR, solely for the convenience of counsel and the Court
22 and for no other reason, is willing to agree to such a hearing date, conditioned on (a) avoiding any
23 conflict with the planned July 17-29 vacation of UMGR's lead counsel and (b) subject to the
24 Zombie Plaintiffs' agreement not to use this Stipulation for any substantive purpose in this action,
25 such as to argue that this action and the James Action are related, should be consolidated, or involve
26 the same, similar, or related or overlapping legal or factual issues.

27 6. Therefore, subject to the Court's approval, the parties to this action have agreed that
28 the hearing on UMGR's intended Venue Motion and Motion to Dismiss in this action be set for

1 August 19, 2011 at 9:00 a.m. (in order to coincide with the proposed hearing date for UMGR's
 2 pending motions in the James Action) and have agreed to the following briefing schedule for
 3 UMGR's intended Venue Motion and Motion to Dismiss in this action:

4 (a) UMGR's intended Venue Motion and Motion to Dismiss in this action shall
 5 be filed on July 8, 2011;

6 (b) The Zombie Plaintiffs' Opposition to UMGR's intended Venue Motion and
 7 the Motion to Dismiss in this action shall be filed on July 28, 2011;

8 (c) UMGR's Reply in Support of its intended Venue Motion and the Motion to
 9 Dismiss in this action shall be filed on August 5, 2011.

10 7. The parties agree that this Stipulation is being entered into at the request of the
 11 Zombie Plaintiffs' counsel and solely for the convenience of counsel and the Court; is not a
 12 concession or admission by UMGR that this action and the James Action are related, should be
 13 consolidated, or raise the same, similar, or related or overlapping legal or factual issues; and the
 14 Zombie Plaintiffs agree that they shall not use this Stipulation at any time during the course of
 15 either this action or the James Action in support of such contentions or for any other purpose,
 16 including but not limited to in connection with any motion to consolidate this action and the James
 17 Action or any motion relating to class certification.

18 IT IS SO STIPULATED.

19
 20 DATED: June 28, 2011

JEFFREY D. GOLDMAN
 RYAN S. MAUCK
 BRIAN M. YATES
 JEFFER MANGELS BUTLER & MITCHELL LLP

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 24 By: /s/ Jeffrey D. Goldman
 JEFFREY D. GOLDMAN
 Attorneys for Defendant UMG RECORDINGS, INC.

1 DATED: June 28, 2011

2 DAVID M. GIVEN
3 NICHOLAS A. CARLIN
4 ALEXANDER H. TUZIN
5 PHILLIPS, ERLEWINE & GIVEN LLP

6 By: /s/ David M. Given

7 DAVID M. GIVEN
8 Attorneys for Plaintiffs ROB ZOMBIE, a/k/a Robert
9 Wolfgang Zombie, f/k/a Robert Cummings; WHITE
10 ZOMBIE; WHITESNAKE, a doing business as
11 designation of David Coverdale, by and for
12 WHITESNAKE PRODUCTIONS (OVERSEAS)
13 LIMITED; and DAVE MASON
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6 Attorneys for Defendant UMG RECORDINGS, INC.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 ROB ZOMBIE, a/k/a Robert Wolfgang
Zombie, f/k/a Robert Cummings; WHITE
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WHITESNAKE, a doing business as
13 designation of David Coverdale, by and for
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individually and on behalf of all others
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CASE NO. CV11-02431 SI

~~PROPOSED~~ ORDER GRANTING
STIPULATION TO SET HEARING DATE
AND BRIEFING SCHEDULE ON
DEFENDANT UMG RECORDINGS, INC.'S
MOTIONS TO DISMISS AND TRANSFER

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Pursuant to stipulation between plaintiffs Rob Zombie, White Zombie, Whitesnake and Dave Mason (collectively, "Plaintiffs") and defendant UMG Recordings, Inc. ("UMGR") to an order setting the hearing date and briefing schedule on UMGR's intended Motion to Dismiss Action for Improper Venue or Transfer Action to Central District of California (the "Venue Motion") and Motion to Dismiss Fourth Cause of Action for Violation of California Business & Professions Code § 17200 (the "Motion to Dismiss"), the Court orders:

1. The hearings on UMGR's Venue Motion and Motion to Dismiss in this action shall be set on August ²⁶~~17~~, 2011 at 9:00 a.m.
2. UMGR's Venue Motion and Motion to Dismiss in this action shall be filed on July 8, 2011.
3. Plaintiffs' Opposition to the Venue Motion and the Motion to Dismiss in this action shall be filed on July 28, 2011.
4. UMGR's Reply in Support of the Venue Motion and the Motion to Dismiss in this action shall be filed on August 5, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 6/29 2011

HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

JMBM
Jeffer Mangels
Butler & Mitchell LLP